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Attorneys for Defendant

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

LULSEGED MOHAMMED,

Plaintiff,

v.

DAVID N. STILL, District Director of the  
 San Francisco District, United States  
 Bureau of Citizenship and Immigration  
 Services, U.S. Department of Homeland  
 Security,

Defendant.

No. C-05-2927 BZ

**STIPULATION TO DISMISS WITHOUT  
 PREJUDICE; AND ORDER**

Plaintiff, by and through his attorney of record, and Defendant, by and through his attorneys of record, hereby stipulate, subject to the approval of the Court, to dismissal of the action without prejudice to renewal if Defendant has not adjudicated Plaintiff's application for naturalization by December 14, 2005. *See United States v. Hovsepian*, 359 F.3d 1144, 1159-64 (2004) (en banc) (concluding that 8 U.S.C. § 1447(b) grants exclusive jurisdiction in the federal courts in the situation, as here, where the agency did not decide a naturalization application 120 days after the agency examined the applicant, and the applicant thereafter applied to federal court for a hearing).

STIPULATION TO DISMISS WITHOUT PREJUDICE  
 C 05-2927 BZ

1 Each of the parties shall bear their own costs and fees.

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3 Date: November 14, 2005

Respectfully submitted,

4 KEVIN V. RYAN  
5 United States Attorney

6  
7 /s/  
8 ILA C. DEISS  
Assistant United States Attorney  
Attorneys for Defendant


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11 Date: November 14, 2005

/s/  
KAREN ALICIA DAVIS  
Attorney for Plaintiff

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14 **ORDER**

15 Pursuant to stipulation, IT IS SO ORDERED.

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18 DATED: November 28, 2005

  
19 BERNARD ZIMMERMAN  
United States Magistrate Judge